

1882-042 Chancery Causes: Harvey Marion vs Samuel H. Duff
Lee Co

CA-Debt
T-Property

To the Honorable John A. Kelly, Judge of the Circuit Court of Lee
County, Virginia: -

Humbly complaining, sheweth unto your honor your
orator, Harvey Marion, that on the 30th day of March
1878, he obtained before Stokely Lawson a justice
of the Peace of Lee County, Va. for \$21- , with
interest thereon, at six per centum per annum from
the 1st day of January, 1878, till paid, and \$1-
against Samuel H. Duff.

Costs, on which said judgment the said
justice of the Peace duly issued his Execution,
directed to J. D. Olinger Constable of Lee
County, and placed into his hands to be
executed, and was by him returned to the
Clerk's Office of Lee County Court, with the
following return endorsed thereon, to wit: -

"No property found to satisfy this Execution." Now your orator further
states that the said Samuel H. Duff is the owner
of a tract or parcel of land lying in Lee Co.,
on Waller's Creek, adjoining the Bob. Duff
land on which his wife and sons if
not all his heirs at law now reside,
he being in the German Cavalry, it being
the same land which the said Samuel
H. Duff purchased from Wm. P. Duff.

And it may be proper to state that the purchase money is not quite all paid. The said Samuel H. Duff also claims and is in possession, and controls a part of the said Bob. Duff farm.

Your orator is advised that his judgment, no part of which has been paid is a lien under the Statute Law of Virginia, on the said real estate — that the rents and profits of the said real estate will not satisfy the said judgment in five years. The said judgment is docketed in the judgment Lien Docket of Lee County Va a transcript of which docketing is filed herewith marked "B" and a copy of the said Warrant judgment and Execution is also filed herewith marked "A."

Your orator is remediless at Common Law and relievable alone in a Court of equity, where matters of this kind are properly cognizable, your orator prays that the said Samuel H. Duff be made a party defendant to this

Bill and required to answer its allegation
upon oath; that the said real estate, or
so much thereof as may be necessary be
sold to satisfy your orator's judgment,
and that your orator be granted general
relief as may be consistent with equity
and the case requires.

May Comrills writ of Spa. issue &c.

Wm A. Orr
for Plff.

G 4.67 to Aug 1788 P. L.
18.00
3 .50
20.17

Orrelt 2.52 to July 1881

H. C. C. 1.12

23.81

Harvey Marions 1/10/4. Orr

75 } Orig. Bill

Samuel H. Duff

1878, Aug. Bill filed & D. N.

" Sept. D. N. Conf. & set for
hearing by Plaintiff

1878 Aug Decree & Costs

1881, August Term Cont'd.

1882 March Decree Final

Harvey Marion Plffs.
vs
Samuel H. Buff Defs. } Lio Chy.

This Cause came on
this day to be heard upon the papers
formerly read in the Cause and was
argued by Counsel, and upon
the plaintiffs' motion the same
is stricken from the docket.

Hairy Marions
vs. J. L. C. final
David H. Buff

Entered Page 228
J. A. Hyatt Clerk

Entered
J. A. H.
Dec 27 1882

Harvey Marion

vs

Samuel H. Duff

} In Chancery

This Cause came on this day to be heard upon the Bill and exhibits filed therewith and was argued by Counsel, and it appearing that process has been duly executed upon the defendant and the ~~defendant~~ failed to appear and demur, or plead and answer the bill is taken for confessed; the Court doth adjudge, order and decree that the plff. Harvey Marion recover against Samuel H. Duff the sum of \$21.00 with interest from the 1st day of January, 1878, till paid, and \$1.00 for his costs obtained before justices of the Peace and the costs of this suit: And unless the said Duff shall pay the same inside of twenty days from the close of this Court, then it shall be the duty of Mr. A. Orr, who is hereby appointed as Special Commissioner for the purpose, to sell so much of the land in the Bill mentioned as may be necessary to satisfy this decree on three, six and nine months time, after first advertising the same 30 days by posting a written notice at the front doors of the Court-house of said County, and on or near the land and also at Stickleyville, Va, and sell the same on some Court-day. He shall require the costs to be paid down

Harvey Marice
vs } Deeds

Samuel H. Duff

Entered Page 773
R. W. C. D. D.

Enter this decree
Sept 2/78.

J. A. K.

and as to the defunct payments he shall take
have with good security raising the
homestead, and the same is confirmed

Virginia, Lee County---to wit :

To *J. D. Olinger*, Constable of said County :

I Herēby Command you to Summon *Sam Henry Duff*

If to be found in your District, to appear at *J. B. Pennington* in the said county on the *30th* day of *February* 1878, before me or such other Justice of said county as may then be there to try this warrant, to answer the complaint of *Harvey Marion* and upon a claim for money not exceeding \$50.00, exclusive of interest, to wit: for the sum of \$ *21⁰⁰*, due by *note* and then and there make return of this warrant. Given under my hand, the *15th* day of *February* 1878.

J. B. Pennington J. P.

Harvey Marion

against

S. H. Duff

30th day of *March* 1878.

[In Debt.]

at *J. B. Pennington's* in said County.

JUDGMENT that the Plaintiff recover of the Defendant \$ *21⁰⁰*, with interest from the *1st* day of *January* 1878, till paid, and \$ *1⁰⁰* for costs.

J. B. Pennington J. P.

VIRGINIA, Lee County---to wit:--To *J. D. Olinger* Constable of said County :

I Command you, in the name of the Commonwealth of Virginia that of the goods and chattels of *S. H. Duff*

in your county, you cause to be made the sum of \$ *21⁰⁰*, with interest thereon from the *1st* day of *January* 1878, till paid, which *Harvey Marion* has recovered before *me a Justice*, in a warrant in debt, and also the sum of \$ *1⁰⁰* which were adjudged to the said *Marion* for cost in prosecuting *his* said warrant.

Given under my hand, this the *30th* day of *March* 1878.

J. B. Pennington J. P.

A copy

Teste R. W. Orr Jr. D.C.

Harvey Marion

vs { Copy of warrant
S. H. Buff

To properly found to
Satisfy this execution

J. D. Oleiger Cust.

A Copy

Sub. R. W. Or. D. D.C.

"A"

Harvey Marrow of Lee Co. Va

Plff.

} In Debt

^{vs}
J. H. Deuff of Lee Co. Va.

Deft.

Judgment for \$21⁰⁰, with interest from the 1st day of
Jan'y 1878, till paid, and \$1⁰⁰ for Costs.

Date of Judgment Mar. 30th 1878, Rendered by a Justice of
the Peace, docketed, July 26th 1878.

A Copy from Lien docket

W. H. Orr Jr. D.C.

"B"

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

WE COMMAND YOU TO SUMMON

Samuel H. Duff Jr.

To appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office at

Rules next, to answer a bill in Chancery, exhibited in our said Court against

Aug'
him by Harvey Marlow

And have then there this writ. WITNESS, James W. Orr, Clerk of our said Court, at the Court-House, this

day of

July, 1878, in the 10³^d year of the Commonwealth.

J. W. Orr Jr. & CLERK.

Harvey Marion

vs Z Shair Chy

Samuel H. Duff Jr.

Aug. Rules 1878.

Executed

J C Scott & S

for J S Ely & Co,